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PUBLIC HEALTH LAWS

OF THE
STATE OF ARIZONA



STATE DEPARTMENT OF HEALTH
PHOENIX, ARIZONA

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PUBLIC HEALTH LAWS OF THE STATE OF ARIZONA

STATE DEPARTMENT OF HEALTH

PHOENIX, ARIZONA

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ARTICLE 1 STATE DEPARTMENT OF HEALTH

SECTION.

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68-107. DEFINITIONS.—In this Act, unless the context otherwise requires:

"department" means state department of health;

"board" means state board of health;

"superintendent" means superintendent of public health.

68-108. State department of health.—The state department of health shall consist of the state board of health, the superintendent of public health, and the several divisions of the department. The department shall succeed to and is hereby vested with the duties, powers, purposes, responsibilities, and jurisdiction heretofore by law vested in and imposed upon the state board of health, the superintendent of public health, the state registrar of vital statistics, the supervisor of public health nursing, the state laboratory, the director of the state laboratory, the board of regents of the University of Arizona relating to the state laboratory and the director thereof.

68-109. Divisions.—(a) The department shall include the following divisions, together with such other divisions and bureaus as the superintendent, with the approval of the board, may establish: 1. division of local health administration; 2. division of maternal and child health; 3. division of vital statistics; 4. division of sanitary engineering; 5. state laboratory; and, 6. division of public health nursing.

(b) The superintendent shall prescribe the powers and duties of the several divisions, and shall appoint the directors thereof, subject to the approval of the board.

68-110. Duties of superintendent.—The superintendent shall be the executive officer of the department and the state registrar of vital statistics, in which capacity he shall act as director of the divi-

sion of vital statistics, but shall receive no compensation for his services as registrar. The superintendent of health shall perform all executive duties now required by law of the state board of health, and such other duties as are incident to his position as chief executive officer. He shall administer the laws relating to health and sanitation and the regulations of the state department of health. He shall prepare sanitary and public health regulations for consideration by the board and shall submit to said board recommendations for new legislation. He shall perform such other duties as may be prescribed by law or by the board. He shall have power to authorize any officer or employee of the department to act in his stead. He may sit at meetings of the board, but shall have no vote.

68-111. Duties of board.—The board shall advise the superintendent in the performance of his duties, and formulate general policies affecting the public health. It may hold hearings and subpoena witnesses and documents. Any member shall have power to administer oaths in connection with the duties of the board. The board shall have no administrative or executive functions other than those set forth in this Act.

68-112. Rules and regulations.—(a) The board shall have power to adopt, promulgate, repeal, and amend rules and regulations consistent with law to: 1. define and control communicable diseases; 2. prevent and control public health nuisances; 3. regulate sanitation and sanitary practices in the interests of public health; 4. cooperate with local boards of health and health officers; 5. protect and promote the public health and prevent disability and mortality; 6. isolate any person affected with and prevent the spread of any contagious or infectious disease; 7. govern the transportation of dead bodies; 8. establish quarantine; and, 9. carry out the purposes of this Act.

(b) A copy of the rules and regulations of the board shall be filed with the secretary of state. The rules and regulations shall be published not more than ten days after adoption in a newspaper of general circulation in the state, and shall be issued in pamphlet form for distribution to local health officers and to interested citizens.

68-113. Personnel.—The board shall adopt, and the superintendent shall enforce, rules and regulations providing for the merit system of employment of all officers and employees of the department.

68-114. Annual report.—Not later than August 20 of each year the superintendent shall submit to the governor a report setting forth: 1. the condition of public health in the state; 2. the activities of the department during the preceding fiscal year; 3. the work done in each county; 4. the character and extent of all diseases reported; 5. the expenditures of the department and of each county board of health; and 6. such recommendations as he may deem advisable for protection of the public health.

68-115. Superintendent.—(a) The superintendent of public health shall be appointed by the board. The term of the first superintendent appointed under this Act shall expire March 1, 1946. Thereafter the term of the superintendent shall be five years. He may be removed only for cause, on written charges and after a public hearing thereon by the board. Appointment to fill a vacancy resulting otherwise than from expiration of term shall be for the unexpired portion of the term only.

(b) The superintendent shall be a reputable physician having the degree of doctor of medicine from a reputable medical school recognized by the Council on Medical Education and Hospitals of the American Medical Association. He shall have had not less than five years' experience in full time administration of public health or, in lieu of five years' experience, three years' experience in full time public health administration and a degree from an accredited school of public health. He shall be licensed to practice in Arizona.

(c) The superintendent shall devote his full time to the duties of the office, and shall not engage in the private practice of medicine in any other occupation. He shall receive a salary, to be fixed by the board within the limits of funds available therefor, of not less than four thousand eight hundred dollars per annum.

68-116. State board of health.—(a) The state board of health shall consist of five members, who shall be appointed by the governor, with the advice and consent of the Senate. One member shall be appointed for a term ending February 1, 1942, and one each for terms ending one, two, three, and four years thereafter and the governor shall be ex-officio member of the board without voting privilege. Upon the expiration of any of said terms a successor shall be appointed for a full term of five years. Appointment to fill a vacancy resulting otherwise than from expiration of term shall be for the unexpired portion of the term only.

(b) Two members of the board shall be licensed practitioners of medicine and surgery, who have been engaged in the practice of medicine in the state. Three members shall be persons selected for their interest in public health.

(c) Members of the board shall receive no compensation for their services as such, but shall be reimbursed for necessary expenses incurred in the performance of their duties, in the amount provided by law.

68-117. Meetings and organization.—The board shall hold regular quarterly meetings, and such special meetings as may be called by the chairman, the superintendent, or any three members. Three members shall constitute a quorum. The board shall elect from its membership a chairman and a vice-chairman and a secretary.

68-118. Financial provisions.—(a) The public health fund shall consist of appropriations and of all receipts from any other source for the use of the department. The state treasurer shall receive and disburse moneys donated to or provided for the department by any person, town, city, benevolent organization, or other agency for public health work, and moneys so received shall be deposited in the public health fund. The salaries and expenses of the department shall be paid from said fund. Disbursements therefrom shall be made upon claims signed by the superintendent, in the manner provided by law for payment of other claims against the state.

(b) Moneys received from the United States, or any agency thereof, for public health purposes, shall be kept in a separate account in the public health fund. Any unexpended and unencumbered balance of federal funds remaining in the public health fund at the end of a fiscal year shall not revert to the general fund.

68-119. Penalty.—Any person violating any provision of this Act, or any rules or regulation adopted pursuant to this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than two hundred dollars, or imprisoned in the county jail not more than thirty days, or both.

Repeal.—Sections 68-101, 68-102, 68-103, 68-104, 68-105, 68-106, and 50-902, Arizona Code of 1939 (Sections 2678, 2679, Revised Code of 1928; section 1, chapter 103, laws of 1935; section 2680, Revised Code of Arizona, 1928; section 1, chapter 38, laws of 1931; section 2681, Revised Code of 1928 and section 2, chapter 82, laws of 1931), are hereby repealed. This section does not negative an implied repeal of any statute which conflicts with this Act.

Effective date June 16, 1941.

ARTICLE 2 LOCAL BOARDS OF HEALTH

SECTION.

- 68-201. County boards established—Superintendent—Duties.
- 68-202. Powers and duties of boards.
- 68-203. Compensation of superintendent—Expenses.
- 68-204. City boards of health—City health officer.
- 68-205. Sanitary regulations—Violations—Penalty—Notice.
- 68-206. Maintaining unsanitary premises.

68-201. County boards established—Superintendent—Duties.—

The chairman of the board of supervisors, the county attorney and the county superintendent of public health, of each county, shall constitute the county boards of health. The chairman of the board shall be president, and the county attorney shall be vice-president of such board. The board of supervisors shall appoint a superintendent of public health for the county, who shall be a practicing physician within the county, who shall hold his office for two [2] years and be secretary of the board. The superintendent shall keep a record of all the proceedings of the board and of his official acts, and make a monthly report in writing to the state superintendent of public health of the proceedings of the county board and of his official acts, and shall, whenever the health of persons is in danger, and when any contagious and infectious disease occurs, report the same to the state superintendent. [Laws 1903, ch. 65, §§ 6, 7, p. 108; R. S. 1913, §§ 4373, 4374; cons. & rev., R. C. 1928, § 2682.]

68-202. Powers and duties of boards.—County boards of health may fix a time and place of the meetings of the board, not less than once in every three [3] months, at the county seat, and shall have such other powers, within their respective counties, outside of the corporate limits of cities having a city board of health, subject to the supervisory control of the state board of health, as have been heretofore granted the state board. [Laws 1903, ch. 65, §§ 4, 9, p. 108; R. S. 1913, § 4376; rev., R. C. 1928, § 2683.]

68-203. Compensation of superintendent—Expenses.—The president and vice-president of the board shall receive no compensation as such, except mileage and other necessary expenses incurred. The county superintendent shall receive such compensation as the board of supervisors may fix not to exceed three hundred dollars [\$300.00] per annum, and not to exceed ten dollars [\$10.00] per day when actually and necessarily engaged, and mileage and other necessary expenses incurred by him, if by direction of the board of health. All accounts for services, mileage, and other expenses shall be audited by the board and paid as other county expenses are paid. [Laws 1903, ch. 65, § 11, p. 108; R. S. 1913, § 4379; rev. R. C. 1928, § 2684.]

68-204. City boards of health—City health officer.—The mayor in each incorporated city shall, at the first meeting of the city council in April in each year, appoint two [2] members of the city council who together with the city engineer and the health officer hereinafter provided, shall constitute the city board of health of such city and shall have and exercise the powers within the limits of the city, as hereinbefore conferred on the county boards of health, and such further powers as may be conferred by ordinance of such city. At the first meeting of the city council in April in each odd numbered year there shall be appointed by the mayor, by and with the approval of the council, one [1] city health officer, who shall be a practicing physician and shall perform such duties as may devolve upon him by law or ordinances. Before entering upon his duties he shall take the oath of office, and give a bond to be approved by the city council in the sum of one thousand dollars [\$1,000.00], and shall receive such compensation as the city council shall determine. [Laws 1903, ch. 65, §§ 15, 16, p. 108; R. S. 1913, §§ 4383, 4384; cons. & rev., R. C. 1928, § 2685.]

68-205. Sanitary regulations—Violations—Penalty—Notice.—Each city or county board of health, within its jurisdiction, shall examine into all nuisances, sources of filth and causes of sickness and make regulations regarding the same as are necessary for the public health and safety of the inhabitants. A person violating any published order or regulation, made by a board of health, shall be guilty of a misdemeanor and punished by a fine of not exceeding one hundred dollars [\$100.00], or by imprisonment not exceeding thirty [30] days, or both. Notice shall be given of all general orders and regulations made by them, by publishing the same in some newspaper, if there be one published within the jurisdiction of such board; if none, then by posting such orders and regulations in five [5] public places therein, which shall be legal notice to all persons. [Laws 1903, ch. 65, §§ 18, 19, p. 108; R. S. 1913, §§ 4386, 4387; cons. & rev., R. C. 1928, § 2686.]

68-206. Maintaining unsanitary premises.—Any person who maintains in an unsanitary condition, any premises located without the corporate limits of any city or town, and who refuses or fails to place the same in a sanitary condition within three days after being ordered to do so by the county superintendent of health, the county sanitary officer, or any county peace officer acting under the direction and authority of the county superintendent of health, or thereafter refuses or fails to maintain such premises in a sanitary condition, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, imprisonment in the county jail not less than ten nor more than thirty days, or both.

Emergency.—To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect upon its passage as provided by law.

Approved by the Governor, March 19, 1943.
Filed in the Office of the Secretary of State, March 19, 1943.

State of Arizona
Senate
Fifteenth Legislature
First Special Session

CHAPTER 8
SENATE BILL NO. 1
AN ACT

Relating to military encampments, and providing for the abatement of health menaces in areas adjacent thereto; and declaring an emergency.

Be it enacted by the Legislature of the State of Arizona:

Section 1. **Abatement of health menace.**—Whenever a condition exists in an area adjacent to a military encampment outside of the corporate limits of any city or town which in the opinion of the commander of such encampment concurred in by the state department of health, constitutes a health menace, the person responsible for the condition shall, upon an order from the state department of health, abate the same. Failure to do so within twenty-four hours of service of the order of the department for such abatement is a misdemeanor.

Sec. 2. **Emergency.**—To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

APPROVED BY THE GOVERNOR, April 23, 1942.
FILED: April 24, 1942, at 9:54 A. M.

ARTICLE 3
PUBLIC HEALTH CONTROL

SECTION.

- 68-301. Abatement of nuisance.
- 68-302. Board may enter premises—Complaint if refused.
- 68-303. Report of contagious diseases.
- 68-304. Physician to report death from contagious disease.
- 68-305. Hotel keepers to report contagious diseases.
- 68-306. Removal of person with contagious disease.
- 68-307. Compulsory vaccination abolished—Minor may be excluded from school.
- 68-308. Child having contagious disease not to attend school.
- 68-309. Burial and transportation of human bodies.
- 68-310. Quarantine and sanitary measures to prevent contagion.
- 68-311. Temporary hospitals for persons with contagious disease.
- 68-312. Disinfection and destruction of bedding.
- 68-313. Care of persons afflicted with contagious disease — Expenses.
- 68-314. Violating the law and regulations of health boards — Penalty.

68-301. Abatement of nuisance.—Whenever any nuisance, source of filth or cause of sickness is found on private property, the county or city board of health shall order the owner or occupant, at his own expense, to remove it within twenty-four [24] hours. Such order may be given to the owner or occupant personally, or left at his usual place of abode. If the owner or occupant fails to comply with the order, the board shall cause such nuisance, source of filth or cause of sickness to be removed, and the expenses thereof shall be paid by such owner or occupant, or by such other person who caused the same. [Laws 1903, ch. 65, §§ 20, 21, p. 108; R. S. 1913, §§ 4388, 4389; cons. & rev., R. C. 1928, § 2687.]

68-302. Board may enter premises—Complaint if refused.—Whenever any county or city board shall deem it necessary for the preservation of health to enter any building or other structure within its jurisdiction, for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth or cause of sickness, and shall be refused entrance, any member of the board may make complaint thereof under oath, to a justice of the peace within the jurisdiction of the board. Such justice shall thereupon issue a warrant directed to the sheriff or other peace officer, commanding him to take sufficient aid, and accompanied by at least one [1] member of the board of health, between the hours of sunrise and sunset, to have such nuisance, source of filth and cause of sickness destroyed, removed or prevented under the direction of such member of the board. [Laws 1903, ch. 65, §§ 22, 23, p. 108; R. S. 1913, §§ 4390, 4391; cons. & rev., R. C. 1928, § 2688.]

68-303. Report of contagious diseases.—If it shall come to the knowledge of any person that a contagious, epidemic or infectious disease exists, he shall immediately report in writing to the board of health having jurisdiction, the name and place of residence, if known, of every person afflicted with such disease, and if he is the attending physician he shall report not less than twice in each week the condition of the person so afflicted and the state of such disease. [Laws 1903, ch. 65, § 24, p. 108; R. S. 1913, § 4392; rev. R. C. 1928, § 2689.]

68-304. Physician to report death from contagious diseases.—Every physician shall report in writing to the local board of health the death of each of his patients dying within the jurisdiction of such board, of any contagious, infectious or epidemic disease. Such report shall be made within twenty-four [24] hours after death, and shall state the specific name and character of such disease. [Laws 1903, ch. 65, § 25, p. 108; R. S. 1913, § 4393; rev., R. C. 1928, § 2690.]

68-305. Hotel keepers to report contagious diseases.—The keeper of any private house, boarding house, lodging house, inn or hotel, shall report in writing to the local board of health, within whose jurisdiction the same may occur, each case of contagious, infectious or epidemic disease occurring in his house, inn or hotel. Such report shall be made within twenty-four [24] hours after the

existence of such disease becomes known to him, and shall state the name of each person afflicted with such disease and the nature thereof. [Laws 1903, ch. 65, § 26, p. 108; R. S. 1913, § 4394; R. C. 1928, § 2691.]

68-306. Removal of person with contagious disease.—No person shall, without a permit from the local or state board of health, carry or cause to be removed from without this state, to this state, or from one place to another within this state, any person afflicted with any contagious, infectious or epidemic disease, or the body of any person who dies of such disease. [Laws 1903, ch. 65, § 27, p. 108; R. S. 1913, § 4395; R. C. 1928, § 2692.]

68-307. Compulsory vaccination abolished—Minor may be excluded from school.—No minor child shall be subjected to compulsory vaccination without the consent of the parent or guardian having the care, custody or control of such minor. Provided, however, that no minor child shall be permitted to attend any public school in any school district in the state of Arizona during the period in which a smallpox epidemic may be prevalent in said school district unless said minor child shall have been first vaccinated. [Laws 1919 (Init. & Ref. Meas.), p. 21; R. C. 1928, § 2693.]

68-308. Child having contagious disease not to attend school.—The principal, superintendent or teacher of any school, or parent or guardian of any minor child shall not permit a child having any dangerous, infectious or contagious disease, or any child residing in any house in which such disease exists, or has recently existed, to attend any public or private school until the local board of health shall have given permission therefor. [Laws 1903, ch. 65, § 29, p. 108; R. S. 1913, § 4397; rev., R. C. 1928, § 2694.]

68-309. Burial and transportation of human bodies.—No person shall allow a human body to remain unburied for a longer time than four [4] days, or, when death has been caused by infectious or contagious disease, for a longer time than twenty-four [24] hours after death, without a permit from the local board of health specifying the time during which said body may remain unburied. When death has been caused by an infectious or contagious disease, the body shall, if directed by said board, be immediately disinfected; if it remains unburied for more than twenty-four [24] hours, it shall be immediately enclosed in a tightly sealed metallic coffin, which shall not thereafter be opened. The funeral of such person shall be strictly private, and in the removal of such body for burial or otherwise, only such vehicles may be employed as are authorized by said board. No person shall bury or prepare for burial the body of any human being without a certificate signed by the attending physician or the coroner, stating the name, age, sex and place of abode, and date of death of such person, the name and duration of the disease of which such person died, and whether or not the disease is contagious; such certificate shall, after the burial, be filed with the local board of health. When such a dead body is pre-

sent to a common carrier for transportation by such carrier, it shall be accompanied by a duplicate of such certificate; and no common carrier shall receive any such body for transportation unless the certificate states that the disease of which such person died is not contagious. The duplicate shall be securely attached to and remain upon the outside of the receptacle containing such body. [Laws 1903, ch. 65, § 30, p. 108; R. S. 1913, § 4398; rev., R. C. 1928, § 2695.]

68-310. Quarantine and sanitary measures to prevent contagion.—Each local board of health when it shall come to its knowledge that an infectious or contagious disease exists within its jurisdiction shall immediately examine into the facts, and if such disease exists, adopt such quarantine and sanitary measures as in its judgment tend to prevent the spread of such disease, and may immediately cause any person infected with such disease to be removed to a separate house, if, in the opinion of the health officer or superintendent of public health, such person can be so removed without danger to his health; if such infected person can not be so removed, it shall make quarantine regulations and may cause the persons in the neighborhood to be removed. The local board shall immediately notify the state board of health of the existence and nature of such disease, and of the measure adopted with reference thereto. [Laws 1903, ch. 65, § 31, p. 108; R. S. 1913, § 4399; rev., R. C. 1928, § 2696.]

68-311. Temporary hospitals for persons with contagious disease.—The local board may provide a temporary hospital or place of reception for persons afflicted with infectious or contagious diseases. All hospitals or other places in which exists any infectious or contagious disease shall, during the existence of such disease, be under the control and subject to the regulations of the local board of health, and the inmates during the existence of such disease shall obey the regulations and instructions of such local board with reference thereto. [Laws 1903, ch. 65, § 32, p. 108; R. S. 1913, § 4400; rev., R. C. 1928, § 2697.]

68-312. Disinfection and destruction of bedding.—Any local board may cause to be destroyed any bed or bedding, clothing, carpets or other articles which have been exposed to infection from infectious or contagious disease, and allow reasonable compensation for the same, or may provide a place with the necessary apparatus and attendants for the disinfection of such articles and cause such articles to be disinfected, and may provide transportation for the conveyance of such articles or of persons suffering from such disease. [Laws 1903, ch. 65, § 33, p. 108; R. S. 1913, § 4401; rev., R. C. 1928, § 2698.]

68-313. Care of persons afflicted with contagious disease—Expenses.—Local boards may employ such persons and physicians, and provide such necessities of life, as in their judgment are needed for the care of persons afflicted with contagious or infectious diseases. The expenses incurred by any local board of health in carry-

ing into effect the provisions of this chapter shall be audited and allowed by the board incurring the same, and be a charge against the county or city for which the board was acting. The expenses incurred by such board for the care, medical attendance or support of any such sick person shall also be a charge upon such person and upon the person liable for support of such person, if able to pay, and may be collected by the county or city incurring such expense. If a physician is called by a local board to attend a person infected with a contagious or infectious disease, it shall be a city or county charge. [Laws 1903, ch. 65, § 34, p. 108; R. S. 1913, § 4402; rev., R. C. 1928, § 2699.]

68-314. Violating the law and regulations of health boards—Penalty.—Any person who wilfully secretes himself or others, known to have a contagious or infectious disease, or any member of a board of health who shall neglect or refuse to perform any duty required to be performed by him, and any person who violates any provision of this article, or neglects or refuses to conform to any rule, regulation or measure adopted by a board of health which has been published or has come to his knowledge, or refuses or neglects promptly to obey any orders, directions or instructions of such board, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten [\$10.00] nor more than fifty dollars [\$50.00], or by imprisonment in the county jail not exceeding thirty [30] days, or by both, and if a physician, his license shall be revoked. [Laws 1903, ch. 65, § 35, p. 108; R. S. 1913, § 4403; rev., R. C. 1928, § 2700.]

43-4607—Exposing person with contagious or infectious disease.—Every person afflicted with any contagious or infectious disease who wilfully exposes himself or another in any public place or thoroughfare, except in his necessary removal in a manner the least dangerous to the public health, is guilty of a misdemeanor. [P. C. 1901, § 359; 1913, § 402; R. C. 1928, § 4713.]

43-4608. Providing common towel or drinking cup.—Any person who provides or furnishes a common towel or a common drinking cup, which may be used by more than one [1] person in any barber shop, public wash house, public lavatory, or in any other public place, is guilty of a misdemeanor, and shall be fined not to exceed twenty-five dollars [\$25.00] for each offense. [Laws 1917, ch. 55, §§ 1, 2, p. 76; rev., R. C. 1928, § 4714.]

ARTICLE 4 PURE FOOD CONTROL

SECTION.

- 68-401. Definition and application of terms.
- 68-402. What constitutes adulteration.
- 68-403. Mislabeling defined.
- 68-404. Possession prima facie evidence of violation.
- 68-405. State laboratory established—Director—Duties—Certificate of analysis.

- 68-406. Procuring articles for analysis—Refusal to sell—Penalty.
- 68-407. Reports by director.
- 68-408. Hearing before superintendent.
- 68-409. Duties of sheriff.
- 68-410. Violations—Penalty—Seizure.
- 68-411. Adulteration—Misbranding or mislabeling prohibited—Penalties.

- 68-412. Guaranty by wholesaler or manufacturer.
- 68-413. Preventing contamination of bread.
- 68-414. Vehicles and containers for baking products.
- 68-415. Standard weight of loaf—variation allowed.
- 68-416. Baker and seller to keep scales—Inspector of weights.
- 68-417. Certain breads excepted—Violations—Penalty.
- 68-418. Selling certain food products from foreign countries—Violations—Penalty.

- 68-419. Cold storage eggs—Labels and signs—Violation—Penalty.
- 68-423. Dairy cows suspected of disease.
- 68-424. Selling products from diseased cow—Penalty.
- 68-425. "Egg mash" containers to be marked and labeled—Violations—Penalty.

68-401. Definition and application of terms.—The term "food" as used herein shall include all articles, whether simple, mixed or compound, used for food, drink, confectionary, or condiment, by man or animal;

The term "misbranded" shall apply to all articles of food, or which enter into the composition of food, the package or label of which bears any false statement, design, or device, regarding such article, or regarding the ingredients, or substances contained therein, which shall be false or misleading in any particular, and to any food product falsely branded as to the place in which it was manufactured, or produced;

The term "package" shall include any container, of whatsoever material or nature, used for enclosing any article of food.

The standard of purity of food shall be that prescribed by the secretary of the United States department of agriculture. [Laws 1912 (S. S.), ch. 62, §§ 2, 3, 5, 7, p. 165; R. S. 1913, §§ 4430, 4431, 4433, 4435; cons. & rev., R. C. 1928, § 2701.]

68-402. What constitutes adulteration.—Food shall be deemed adulterated—

If any substance has been mixed or packed therewith reducing or injuriously affecting its quality, purity, strength or food value; or

If any substance has been substituted wholly or in part therefor; or

If any essential, or any valuable constituent or ingredient thereof has been wholly or in part abstracted; or

If mixed, colored, powdered, coated or stained whereby damage or inferiority is concealed; or

If it contains any added poisonous or other added deleterious ingredient; or

If it consists in whole or in part of a filthy, decomposed, or putrid, animal or vegetable substance, or any portion of any animal or vegetable unfit for food, whether said food be manufactured or not; or

If it is the product of a diseased animal, or one that has died otherwise than by slaughter; or

Of confectionary, if it contains terra-alba, barytes, talc, chrome yellow, or other mineral substance, or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spiritous liquor, compound, or narcotic drug; or

If it does not conform to the standard of purity therefor as proclaimed by the secretary of the United States department of agriculture.

Potable waters requiring bacteriological or chemical examination are included hereunder. [Laws 1912, (S. S.), ch. 62, § 4, p. 165; R. S. 1913, § 4432; rev., R. C. 1928, § 2702.]

68-403. Mislabeling defined.—Food or liquid [liquor] is mislabeled or misbranded

If it be an imitation of or offered for sale under the distinctive name of another; or

If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser; or

If it be falsely labeled in any respect; or

If it falsely purport to be a foreign product; or

If the original contents of the package have been removed, in whole or in part, and other contents placed in such package; or

If, when in package, and the contents are stated in terms of weight and measure, such weight and measure are not plainly and correctly stated on the outside of the package; or

If the package containing it, or the label of said package, bear any statement, design, or device regarding the ingredients or the substance contained therein, which are false or misleading in any particular; or

When the package bears the name of the manufacturers, jobbers, or sellers, or the grade or the class, of the product contained therein, it bear the name of the real manufacturers, jobbers, or sellers, and the true grade or class of the product, expressed in clear and distinct English words in legible type, except it be a well known food product of a nature quality, and appearance, and so exposed to public inspection, as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the above definitions; or

If, having no label, it is an imitation or adulteration, or is sold or offered for sale under a name, designation, description, or misrepresentation, which is false or misleading in any particular; and

In case of butter, eggs, and poultry, when offered or exposed for sale, if they have been kept or packed in cold storage, or otherwise preserved, unless they be so indicated by a label or placard plainly stating such fact, and the date of the placing in cold storage. [Laws 1912 (S. S.), ch. 62, § 6, p. 165; R. S. 1913, § 4434; rev., R. C. 1928, § 2703.]

Compiler's Note:

The bracketed word "liquor" was inserted by the compiler.

68-404. Possession prima facie evidence of violation.—The possession of any adulterated, mislabeled, or misbranded article of food by any manufacturer, producer, jobber, packer, or dealer in food, or agent, or servant of any such person, shall be prima facie evidence of the violation of the provisions of this article. [Laws 1912 (S. S.), ch. 62, § 8, p. 165; R. S. 1913, § 4436; rev., R. C. 1928, § 2704.]

Sec. 10. Sec. 68-405, Arizona Code of 1939 [Sec. 2705, Revised Code of 1928], is amended to read:

68-405. State laboratory.—(a) The state laboratory shall be under the supervision of a director, and shall be located in rooms set aside by the University of Arizona and in such other places as the board may determine. The superintendent of public health shall appoint the director, who shall be a skilled pharmaceutical chemist or bacteriologist and analyst of foods, water supplies, and drugs.

(b) The state laboratory shall examine and analyze such foods, water supplies, drugs, and other specimens as the superintendent may direct. The director shall perform the duties prescribed in this article and by the superintendent, and shall cooperate generally with the department. The certificate by the director of analysis of an examination shall be prima facie evidence of the facts therein stated.

68-406. Procuring articles for analysis—Refusal to sell—Penalty.—The superintendent shall cause the director to make examinations and analyses of food on sale in Arizona, suspected of being adulterated, mislabeled, or misbranded. The superintendent may appoint such agents as he may deem necessary. Such agents and the sheriff of such county shall have free access at all reasonable hours, for the purpose of examining any place where it is suspected that any such article of food exists, and upon tendering the market price of said articles, if a sale be refused, they may take from any person, samples of any such suspected articles and deliver or forward the same to the director. Any person refusing to sell to any sheriff or agent of the superintendent, any sample of food upon tender of the market price therefor, or concealing such food from such officer, or withholding from him information where such food is kept or stored, shall be guilty of a misdemeanor. [Laws 1912 (S. S.), ch. 62, §§ 10, 12, p. 165; R. S. 1913, §§ 4438, 4440; cons. & rev., R. C. 1928, § 2706.]

68-407. Reports by director.—Whenever said director shall find that adulterated, or mislabeled or misbranded food has been on sale in this state, he shall forthwith report the same to the superintendent of public health. The director shall make an annual report to the superintendent on or before July first of each year upon adulterated, mislabeled, or misbranded foods and liquids, including a list of examinations by him in which adulterants were found, and the articles found mislabeled or misbranded and the names of the manufacturers, producers, jobbers and sellers. [Laws 1912, (S. S.), ch. 62, §§ 13, 15, p. 165; R. S. 1913, §§ 4441, 4443; cons. & rev., R. C. 1928, § 2707.]

68-408. Hearing before superintendent.—When an examination or analysis of the director shows that the law has been violated, notice thereof, together with a copy of the certificate of the findings shall be furnished to the party from whom the sample was obtained or who executed the guaranty as provided in this article, and a date shall be fixed by the superintendent upon which the parties may be heard upon the facts. The hearings shall be held in the city of Phoenix and at least fifteen [15] days' notice thereof shall be served upon the party complained of. If the examination or analysis be found correct, or if the parties fail to appear, the superintendent shall forthwith transmit a certificate of the facts so found to the county attorney of the county in which said adulterated, mislabeled, or misbranded food was found. No publication shall be made until after said hearing is concluded. [Laws 1912 (S. S.), ch. 62, § 16, p. 165; R. S. 1913, § 4444; rev., R. C. 1928, § 2708.]

68-409. Duties of sheriff.—The sheriff, on presentation to him of a verified complaint of a violation of any provision of this article, shall at once obtain, by purchase, a sample of the adulterated, mislabeled, or misbranded food complained of, divide the same into three [3] parts, and seal each part with a seal provided for that purpose. One sample shall be delivered to the party from whom pro-

cured, or to the party guaranteeing such merchandise, one shall be sent to the director, and the third shall be sent to and held under seal by the superintendent. The director may make provision or issue directions for the taking and forwarding of samples of potable waters or of perishable foods or drinks. The expenses of the sheriff shall be a county charge. [Laws 1912 (S. S.), ch. 62, §§ 17, 18, p. 165; R. S. 1913, §§ 4445, 4446; cons. & rev., R. C. 1928, § 2709.]

68-410. Violations—Penalty—Seizure.—Any person violating any provision of this article shall be guilty of a misdemeanor, and punished by a fine of not less than five [5] nor more than five hundred dollars [\$500], or imprisoned not exceeding six [6] months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled, or misbranded, may, by order of any court, be seized and destroyed. [Laws 1912 (S. S.), ch. 62 § 20, p. 165; R. S. 1913, § 4448; rev., R. C. 1928, § 2710.]

68-411. Adulteration—Misbranding or mislabeling prohibited—Penalties.—The manufacture, production, packing, selling, offering or keeping for sale, within the state, or the introduction into this state from without, of any food or liquid which is adulterated, mislabeled or misbranded, within the meaning of this article, is prohibited. Any person who shall import or receive from without the state, or who, having received, shall deliver, or offer to deliver to any other person, any food or liquid, adulterated, mislabeled, or misbranded, within the meaning of this article, or any person who shall manufacture, produce, pack, sell, or offer or keep for sale, any such adulterated, mislabeled, or misbranded food shall be guilty of a misdemeanor; provided that no article of food shall be deemed adulterated, mislabeled, or misbranded, within the provisions of this article, when prepared for export beyond the jurisdiction of the United States, and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped, and not sold, or kept or offered for sale for domestic use and consumption. [Laws 1912 (S. S.), ch. 62, § 1, p. 165; R. S. 1913, § 4429; rev., R. C. 1928, § 2711.]

68-412. Guaranty by wholesaler or manufacturer.—No dealer shall be prosecuted when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party, residing in the United States, from whom he purchased such articles to the effect that the food or liquid is not adulterated, mislabeled, or misbranded, and the dealer at the time of making such sale was not aware that the article was mislabeled. Said guaranty, to afford protection must contain the name and address of the party making the sales to said dealer, and an itemized statement showing the article purchased; or a general guaranty may be filed with the secretary of the United States department of agriculture by the manufacturer, wholesaler, jobber, or other party in the United States and be given a serial number, which number shall appear on each

and every package of goods sold under such guaranty with the words showing such guarantee under the Food and Drugs Act of the Congress of the United States. If the guarantor resides within this state, and it appears from the certificate of the director of the state laboratory that such articles were adulterated, mislabeled or misbranded, within the meaning of the National Pure Food Act, the county attorney shall forthwith notify the attorney-general of the United States of such violation. [Laws 1912 (S. S.), ch. 62, § 22, p. 165; R. S. 1913, § 4450; rev., R. C. 1928, §2712.]

68-413. Preventing contamination of bread.—The manufacture and sale of bakery products shall be so conducted as to prevent dissemination of disease. No bakery product shall be returned after purchase, or accepted or exchanged after sale. The state board of health shall make, distribute and enforce reasonable rules and regulations necessary to effect the purposes hereof. This section shall not apply to crackers or bakery products packed at the place of production in permanent containers, and packed or sealed at the place of production so as to fully protect the freshness and wholesomeness of the product and which remain, except insofar as may be necessary to prevent waste, in the original unbroken package in which packed. The phrase "permanent containers" shall not include the wrappers used on bread. Any person discovering a bakery infection in bread, shall immediately report the same to the local health officer, who shall make an investigation, and cause any bread containing a bakery infection, to be immediately destroyed, and take action to correct the conditions causing such infection and the spread of the same. [Laws 1925, ch. 13, §§ 1, 2, p. 30; cons. & rev., R. C. 1928, §2713.]

68-414. Vehicles and containers for bakery products.—The vehicles and receptacles in which bakery products are transported, shall be kept in a clean and wholesome condition, free from dust, flies and other contamination; containers and places where bakery products are kept or exposed for sale shall be kept well covered, properly ventilated, protected from dust and flies, and in a clean and wholesome condition. Wrapped or boxed bakery products need not be otherwise covered. Boxes and other receptacles for the storing or receiving of bakery products, shall be raised at least four [4] inches above the sidewalk or street, and so constructed and placed as to be free from the contamination thereof. Bakery products shall not be placed in any such box or other receptacle with any other article of food. [Laws 1925, ch. 13, § 3, p. 30; rev., R. C. 1928, § 2714.]

68-415. Standard weight of loaf—Variation allowed.—A loaf of bread sold, offered or exposed for sale, as fresh bread, shall be of the following standard weights: One [1] pound; one and one-half [1½] pounds; or multiples of one [1] pound; determined by the average of not less than twenty [20] loaves of one [1] unit, of one kind of bread, weighed with or without wrappers, not less than twelve [12] hours after baking. When twin or multiple loaves are

wrapped at the place where baked, or sold to the consumer wrapped and undivided, the loaf must conform to the said weight requirements, and if unwrapped or divided prior to sale, each unit must conform to the weight requirements. A tolerance, in excess of the standard weight, is allowed of one [1] ounce on one [1] pound loaves; one and one-half [$1\frac{1}{2}$] ounces on one and one-half [$1\frac{1}{2}$] pound loaves; two [2] ounces on loaves weighing two [2] pounds or more. No tolerance below the standard weight is allowed. [Laws 1925, ch. 13, §§ 4, 5, p. 30; cons. & rev., R. C. 1928, § 2715.]

68-416. Baker and seller to keep scales—Inspector of Weights.

—Every manufacturer or seller of bread shall keep scales and weights, suitable for weighing bread, in a conspicuous place in the bakery or store, and shall, when requested by the buyer and in the buyer's presence, weigh any loaf of bread sold or offered for sale. The state and city inspectors of weights and measures shall enforce the provisions hereof, and may enter any room or place where bread is manufactured or sold, or offered or exposed for sale, and weigh or direct the weighing of any bread found therein. It shall be unlawful for any person to prevent, or attempt to prevent an inspector from entering any room or place, or in any way to interfere with the performance of his duties. [Laws 1925, ch. 13, §§ 6-8, p. 30; cons. & rev., R. C. 1928, § 2716.]

68-417. Certain breads excepted—Violations—Penalty.—The preceding four sections shall not apply to fancy breads, nor to bread baked by special order of the consumer; nor to stale bread sold as such, the seller shall at the time of sale expressly state to the buyer that it is stale bread, and not offered or sold as stale bread until twelve [12] hours or more after baking. Any person violating any provision of this or the preceding four sections shall be guilty of a misdemeanor. [Laws 1925, ch. 13, §§ 9, 10, p. 30; cons. & rev., R. C. 1928, § 2717.]

68-418. Selling certain food products from foreign countries.—Violations—Penalty.—It shall be unlawful for any person to sell, or offer to sell or dispose of, any meat, poultry, eggs or butter imported into the United States from a foreign country, excepting products produced in the Dominion of Canada or the Republic of Mexico, unless plainly labeled showing the country of production, and the date on which exported. The owner of any place of business, wholesale or retail, which shall sell, offer to sell or dispose of any meats, poultry, eggs or butter imported from such foreign country shall display therein in a conspicuous place as to be in plain view of all parties entering, a sign not less than four [4] feet long by eight [8] inches wide, stating that such store sells imported meats, poultry, eggs or butter. Any person violating this section shall be guilty of a misdemeanor, and fined not less than fifty [\$50.00] nor more than one hundred dollars [\$100]. [Laws 1921, ch. 93, §§ 1-3, p. 173; rev., R. C. 1928, § 2718.]

68-419. Cold storage eggs—Labels and signs—Violation—Penalty.—Every person who sells or offers for sale any eggs which have been in cold storage for more than three [3] months shall stamp, mark or brand upon all sides of each receptacle holding and containing the same, in letters two [2] inches in length, the period of time during which the same have been in cold storage; and shall display in a conspicuous place in his salesroom a sign bearing the words "cold storage eggs sold here" in letters not less than six [6] inches in length. Every person who shall violate the provisions hereof shall be guilty of a misdemeanor. [Laws 1915, ch. 23, §§ 1-4, p. 56; cons. & rev., R. C. 1928, § 2719.]

68-423. Dairy cows suspected of disease.—The state board of health may direct the state veterinarian to establish a quarantine of cows, and to make an examination thereof to determine the presence of tuberculosis, anthrax or other diseases dangerous to human life, and he shall examine such cows as the board may direct. If such cow is found to be diseased, the state veterinarian shall proceed as directed by law for the eradication of tuberculosis among cattle. [Laws 1923, ch. 69, § 1, p. 173; rev., R. C. 1928, § 2720.]

68-424. Selling products from diseased cow—Penalty.—No person engaged in the production or manufacture of milk or milk products, shall sell, give away, exchange, or barter any milk, or milk products, in a raw, unpasteurized or unsterilized state, from any cow afflicted with a disease dangerous to human health or life, after knowledge thereof, or after receiving notice of the presence of such disease in such cow from said board, or the state veterinarian. Any person may market milk, or milk products, through channels or methods which insure, to the satisfaction of said board, that said milk or milk products, will be thoroughly and effectively pasteurized or sterilized, before being offered to the consuming public as food. Any person violating this section is guilty of a misdemeanor. [Laws 1923, ch. 69, §§ 2, 4, p. 173; cons. & rev., R. C. 1928, § 2721.]

68-425. "Egg mash" containers to be marked and labeled—Violations—Penalty.—It shall be unlawful to sell, offer or expose for sale, any chicken or hen food, commonly known as egg mash, unless each original container has attached thereto a plainly marked tag, not less than two and one-half [2½] by five [5] inches in size, on which is distinctly printed the analysis, guaranteed by the manufacturer, of the ingredients thereof. Any person violating this section shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five [\$25.00] nor more than fifty dollars [\$50.00], or by imprisonment for not less than thirty [30] nor more than sixty [60] days. [Laws 1923, ch. 54, §§ 1, 3, p. 144; cons. & rev., R. C. 1928, § 2722.]

ARTICLE 5 MATERNITY AND INFANCY HYGIENE

SECTION.

68-501. Provisions of Congress accepted—Agency designated.

68-502. Limitation of powers of officials—Reports.

68-501. Provisions of Congress accepted—Agency designated.

—The state of Arizona agrees to and accepts the conditions of the act of Congress, entitled, "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, and designates the child hygiene division of the state board of health as the state agency to co-operate with the children's bureau of the department of labor for the administration of the provisions of said act. [Laws 1923, ch. 70, § 1, p. 176; rev., R. C. 1928, § 2723.]

68-502. Limitation of powers of officials—Reports.—The child hygiene division, in carrying out the provisions hereof, shall not enter any house or take charge of any child against the objection of the parents, or either of them, or the person having custody of such child; nor shall anything herein limit the power of such a person to determine what treatment or correction shall be employed. The board of health shall cause reports to be made concerning the operations and expenditures of the division as said children's bureau shall direct. The money apportioned to this state under said act of Congress shall not be used for the purchase, erection, rental or repair of any building, lands or equipment, nor for the payment of any maternity or infancy pension or gratuity. [Laws 1923, ch. 70, §§ 4-7, p. 176; cons. & rev., R. C. 1928, § 2724.]

ARTICLE 6 VITAL STATISTICS

SECTION.

- 68-601. Bureau of vital statistics—State registrar.
- 68-602. Registration districts—Local registrars—Subregistrars.
- 68-603. Burial—Permits—Certificates of death.
- 68-604. Registration of stillborn child.
- 68-605. Certificates of death—Contents.
- 68-606. Death occurring without medical attendance.
- 68-607. Duty of undertaker—Report of sales of caskets.
- 68-608. Duties of cemetery-keeper.
- 68-609. Birth certificate—Duty to report birth.
- 68-610. Certificate of birth—Contents.
- 68-611. Registration of physicians, midwives, and undertakers.
- 68-612. Hospitals to keep statistical record of inmates.
- 68-613. State registrar to furnish blanks—May require further information—Records of state registrar.
- 68-614. Duties of local registrars.
- 68-615. Fees of local registrars.
- 68-616. Certified copies by state registrar.
- 68-617. Violations defined—Penalty.
- 68-618. Registrar charged with enforcement.
- 68-619. Hospital authorities to notify relative of person dying—Removal of body—Violations—Penalty.
- 68-620. Qualification of supervising nurse.
- 68-621. Transfer of records of births and deaths.

68-602. Registration districts—Local registrars—Subregistrars.—

The state shall be divided into registration districts as follows: Each incorporated city or town shall constitute a primary registration district; and the remainder of the county shall be divided by the registrar into rural registration districts, with definite boundaries, and such districts may be changed or consolidated. The registrar shall appoint a local registrar of vital statistics for each registration district for a term of two [2] years, forthwith removable by him for inefficiency, neglect of duties, or failure to make prompt and complete returns of births and deaths.

Each local registrar shall appoint a deputy, who shall accept said appointment in writing, and when necessary for the convenience of the people in any rural district, may, with the approval of the state registrar, appoint subregistrars, to receive certificates and to issue burial or removal permits for such portions of the district as may be designated. A subregistrar shall note on each certificate, over his signature, the date of filing, and forward the same to the local registrar of the district within ten [10] days, and in all cases before the third day of the following month. A subregistrar shall be subject to the supervision and control of the state registrar, and re-

movable by him for failure to perform his duties. [Laws 1925, ch. 37, §§ 4, 5, p. 110; cons. & rev., R. C. 1928, § 2726.]

68-603. Burial—Permits—Certificates of death.—The body of a dead person shall not be interred, deposited in a vault, cremated or otherwise disposed of, nor removed from or into another registration district, nor held more than seventy-two [72] hours after death, except upon a permit issued by the local registrar of the district in which the death occurs or the body is found, and such burial or removal permit shall not be issued until, when practicable, a complete and satisfactory certificate of death has been filed with such local registrar. When a dead body is transported from outside the state into a registration district in this state for burial, the transit or removal permit, if issued in accordance with the law of the place where the death occurred, shall be accepted by the local registrar as authority for the issuance of a burial permit, and he shall note upon such permit that the body was transported into the state for interment, and give the place of death. [Laws 1925, ch. 37, § 6, p. 110; rev., R. C. 1928, § 2727.]

68-604. Registration of stillborn child.—A stillborn child, advanced to the fifth month of uterogestation, shall be registered both as a birth and as a death, and separate certificates of birth and death shall be filed, the certificate of birth to contain in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the case of death as "stillborn," and whether the same, if known, was a premature birth, and if so the period of uterogestation. A burial or removal permit shall be required as in other cases. Midwives shall not sign certificates of death for stillborn children. Stillbirths occurring where a midwife only is in attendance, and stillbirths occurring without the attendance of either physician or midwife, shall be treated as deaths without medical attendance. [Laws 1925, ch. 37, § 7, p. 110; rev., R. C. 1928, § 2728.]

68-605. Certificates of death—Contents.—Each certificate of death shall contain the following items:

1. Place of death, including state, county, township, village or city. If in a city, street and house number; if in a hospital or other institution, the name of the same instead of the street and house number; if in an industrial camp, the name of the camp;
2. Full name and sex of decedent. If an unnamed child, the surname preceded by "unnamed";
3. Color or race, as white, black, mulatto, or other negro descent, Indian, Chinese, Japanese, or other;
4. Conjugal condition, as single, married, widowed or divorced;
5. Date of birth, including the year, month, and day, and age, in years, months and days; if less than one day the hours or minutes;

6. Occupation, if engaged in any remunerative employment, with the trade, profession or kind of work and the general nature and name of the business in which employed;

7. Birthplace; at least state or foreign country, if known;

8. Name of father, and his birthplace; at least state or foreign country, if known;

9. Maiden name of mother, and her birthplace; at least state or foreign country, if known;

10. Official signature of registrar, with the date when certificate was filed, and registered number;

11. Date of death, year, month, and day;

12. Length of residence (for transients or recent residents, and for inmates of hospitals and other institutions) at place of death and in the state, together with the place where disease was contracted, and former or usual residence;

13. The place of burial or removal and date of burial; the personal and statistical particulars shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts; the statement of the disposition of the body shall be signed by the undertaker or person acting as such, and his address given;

14. A medical certificate made and signed by the physician, if any, last in attendance on the deceased, specifying the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred, the cause of death, the course of disease or sequence of causes resulting in the death, naming the disease causing death and the contributory cause, if any, and the duration of each; indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, are not sufficient for the issuance of a burial or removal permit, and a certificate containing only such terms, as defined by the registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement.

Causes of death shall be carefully defined, and if from violence, the means of injury shall be stated, and whether appearing accidental, suicidal, or homicidal. In deaths in hospitals or institutions, or of non-residents, the physician shall state the length of residence at place of death, if he is able to do so, and where, in his opinion, the disease was contracted. [Laws 1925, ch. 37, § 8, p. 110; rev., R. C. 1928, § 2729.]

68-606. Death occurring without medical attendance.—If death occur without medical attendance, the undertaker shall notify the local registrar of such death, who shall, prior to the issuance of a permit, notify the local health officer and refer the case to him for immediate investigation and certification. When the local health

officer is not a physician, or when there is no such official, the local registrar may make the certificate and return from the statements of persons having knowledge of the facts; if, however, the local registrar believes that the death may have been due to an unlawful act or to neglect, he shall refer the case to the coroner for investigation and certification. The coroner shall state in such certificate the name of the disease causing death, or if from external causes, the means of death; and whether appearing accidental, suicidal, or homicidal; and such information as may be required by the state registrar. [Laws 1925, ch. 37, § 9, p. 110; rev., R. C. 1928, § 2730.]

68-607. Duty of undertaker—Report of sales of caskets.—The undertaker shall file the certificate of death with the local registrar and obtain a burial or removal permit prior to any disposition of the body; the personal and statistical particulars he shall obtain from the person best qualified to supply them, over the signature and address of his informant; and then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate; fill in the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar for a permit for the disposition of the body, and deliver the burial permit to the person in charge of the place of burial, before disposing of the body. If the body is to be shipped by a common carrier, the removal permit shall be attached to the box containing the corpse, and shall accompany the same to its destination, where, if within the state of Arizona, it shall be delivered to the person in charge of the place of burial.

Any person selling a casket, except a person selling caskets to dealers or undertakers only, or undertakers having direct charge of the disposition of the dead body, shall keep a record showing the name and post office address of the purchaser, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the state registrar, and on the first day of each month report to the state registrar each sale for the preceding month, on a blank provided for that purpose. Any person selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket a notice, to be furnished by the state registrar, calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the board concerning the burial or disposition of dead bodies. [Laws 1925, ch. 37, § 10, p. 110; rev., R. C. 1928, § 2731.]

68-608. Duties of cemetery-keeper.—The person in charge of any premises on which interments are made shall not inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal or transit permit, upon the form prescribed by the state registrar; he shall indorse upon the burial permit, over his signature, the date of the interment and return the permit to the local registrar of his district within ten [10] days from the date of the interment, or within the time fixed by the local board

of health. He shall keep a public record of all bodies disposed of on the premises under his charge, stating the name of each deceased person, place of death, date of burial or disposal, and the name and address of the undertaker; the undertaker burying a body in a burial ground having no person in charge, shall so indorse, sign and file the permit, writing across the face of the permit the words "No person in charge." [Laws 1925, ch. 37, § 12, p. 110; rev., R. C. 1928, § 2732.]

68-608a. Records to be kept of public cemeteries.—It shall be the duty of the clerk of the board of supervisors to keep an accurate and permanent record of the full name, date of death, last known residence, and the exact location of the grave within the place of interment, of every person buried at public expense in any public cemetery or potter's field within the county, together with the name and address of the nearest relative of the deceased, if known.

68-609. Birth certificate—Duty to report birth.—Within ten [10] days after the date of any birth, there shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife, or person acting as midwife, in attendance upon a birth, a certificate of birth upon a form prescribed by the state board of health. If no such person is in attendance upon the birth, the father or mother of the child, the householder or owner of the premises where the birth occurs, or the manager or superintendent of the institution where birth occurs, in the order named, shall report such birth to the local registrar within ten [10] days. Should the physician, midwife, or person acting as midwife, be unable by diligent inquiry, to obtain the information required, or in the case of births reported by some other person, the local registrar shall procure from the most authentic source such information as will enable him to prepare the certificate. A person shall answer correctly all questions of the registrar with respect to such birth, and when requested by the registrar, verify over his signature such statements. [Laws 1925, ch. 27, § 13, p. 110; rev., R. C. 1928, § 2733.]

68-610. Certificate of birth—Contents.—The certificate of birth shall contain:

1. Place of birth, including state, county, town, village or city; if in a city, the street and house number; if in a hospital or other institution, the name thereof;

2. Full name and sex of child. If the child dies without a name, before the certificate is filed, the words "died unnamed"; if not named at the date of filing the space for the name shall be filled out subsequently by a supplemental report;

3. Whether a twin, triplet, or other plural birth, of which a separate certificate shall be filed for each child in the order of birth;

4. Whether the mother is a single woman and if so, her name;
5. Date of birth, including the year, month, and day;
6. Full name, residence, color or race of father, and age;
7. Birthplace of father; at least state or foreign country, if known;
8. Occupation of father, if engaged in any remunerative employment, with the trade, profession, or kind of work, and the general nature and name of the business in which employed;
9. Maiden name, residence, color or race of mother, and age;
10. Birthplace of mother; at least state or foreign country, if known;
11. Occupation of mother, if engaged in any remunerative employment, with the trade, profession, or kind of work, and the general nature and name of the business in which employed;
12. Number of children born to the mother, including present birth, and number of those living.

When a certificate of a living child is presented without the statement of the given name, the local registrar shall deliver to the parents of the child a special blank for a supplemental report of the given name of the child, to be filled out as directed, and returned to the local registrar as soon as the child shall have been named. [Laws 1925, ch. 37, §§ 14, 15, p. 110; cons. & rev., R. C. 1928, § 2734.]

68-611. Registration of physicians, midwives, and undertakers.

—Every physician, midwife, and undertaker within the state, shall, without fee, register his name, address and occupation with the state registrar and with the local registrar of the registration district in which he resides. The registrar shall thereupon supply such persons with a copy of this article, together with the rules and regulations prescribed for its enforcement. Prior to the first of February of each calendar year each local registrar shall make a return to the state registrar of all physicians, midwives, or undertakers registered in his district during the preceding year. [Laws 1925, ch. 37, § 16, p. 110; rev., R. C. 1928, § 2735.]

68-612. Hospitals to keep statistical record of inmates.—Every

person in charge of a hospital, almshouse, or other institution, public or private, to which persons resort, or to which persons may be committed, for treatment of diseases or for confinement, shall, when admitted, make a record of the personal and statistical particulars relative to the inmates, as directed by the state registrar. If admitted or committed for treatment of disease, the physician in charge shall enter in the record, the nature of the disease, and where contracted. The personal particulars and information shall be obtained from the individual himself if practicable, if not, then as far as

possible from other persons. [Laws 1925, ch. 37, § 17, p. 110; rev., R. C. 1928, § 2736.]

68-613. State registrar to furnish blanks—May require further information—Records of state registrar.—The state registrar shall prepare, print, and supply to all local registrars, blanks, forms and detailed instructions for the uniform observance and maintenance of registration; and no blanks other than those supplied by him shall be used. He shall examine the certificates received monthly from the local registrars, and if incomplete or unsatisfactory he shall require further information to complete the record. All persons having knowledge of the facts, shall upon demand by the registrar, in person, by mail or through a local registrar, supply, upon a form to be provided by him, or upon the original certificate, such information as they may possess regarding any birth or death. No certificate of birth or death after its acceptance for registration by the local registrar, and no other record made in pursuance of this article, shall be altered or changed in any respect otherwise than by amendments properly dated, signed, and witnessed. The state registrar shall arrange in a systematic manner, and shall bind and permanently preserve all certificates. He shall maintain a card index of all births and deaths registered, arranged alphabetically, of deaths by the names of decedents, and of births by the names of fathers and mothers. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the board. Any person who is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this state, may file such record or a duly authenticated transcript thereof with the state registrar, who shall preserve it and make a record and index thereof; and the registrar shall furnish upon application a certified copy thereof, upon payment of a fee of twenty-five cents [25c] for such certificate and ten cents [10c] per folio or fifty cents [50c] per hour or fraction thereof for the time necessarily consumed in preparing such transcript. [Laws 1925, ch. 37, § 18, p. 110; rev., R. C. 1928, § 2737.]

68-614. Duties of local registrars.—Local registrars shall supply blank forms of certificates to such persons as require them, and examine all certificates of birth or death when presented for record. All certificates shall be written legibly, in permanent black ink. When a certificate of death is properly executed and complete, the local registrar shall issue to the undertaker a burial or removal permit; if, however, the death occurred from infectious or contagious disease, the permit shall be issued only under such conditions as may be prescribed by the board. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if obtainable. He shall number consecutively the certificates of birth and death, in two [2] separate series, beginning with number one for the first birth and for the first death in each calendar year, and sign his name as such local registrar in attestation of the date of

filing in his office; he shall also make a complete and accurate copy of all birth and death certificates registered by him, in a record book to be supplied by the state registrar, which shall be preserved permanently in his office as the local record, in the manner prescribed by the state registrar. On or before the tenth day of each month he shall transmit to the registrar all original certificates registered by him for the preceding month. [Laws 1925, ch. 37, § 19, p. 110; rev., R. C. 1928, § 2738.]

68-615. Fees of local registrars.—Local registrars shall receive fifty cents [50c] for each birth or death certificate properly and completely made out and registered, correctly recorded and promptly returned. If no births or deaths are registered during any month, the local registrar shall receive fifty cents [50c] for each report promptly made to that effect. All amounts payable to local registrars shall be paid by the treasurers of the respective counties in which the several registration districts are located, upon certification by the state registrar. The state registrar shall annually certify to the treasurers of the several counties the numbers of births and deaths properly registered, with the names of the local registrars and the amounts due each. [Laws 1925, ch. 37, § 20, p. 110; rev., R. C. 1928, § 2739.]

68-616. Certified copies by state registrar.—The state registrar shall, upon request, supply to any applicant a certified copy of the record of any birth or death, for the making and certification of which he shall charge a fee of fifty cents [50c]. Any such copy of the record of a birth or death, when properly certified by the registrar, shall be prima facie evidence of the facts therein stated. For a search of the files and records when no certified copy is made, the registrar shall charge fifty cents [50c] for each hour or fractional part of an hour of the time consumed in such search; provided, that he shall, upon the request of any parent or guardian, supply, without fee, a certificate of the date of birth of the child or ward of such parent or guardian, when the same shall be necessary for admission to school, or for the purpose of securing employment; and the United States census bureau may obtain, without expense to the state, transcripts or certified copies of births and deaths without payment of the fees herein prescribed. [Laws 1925, ch. 37, § 21, p. 110; rev., R. C. 1928, § 2740.]

68-617. Violations defined—Penalty.—Any person who for himself, or as an officer, agent, or employee of any other person, shall inter, cremate, or otherwise finally dispose of the body of a human being, or permit the same to be done, or shall remove said body from the primary registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or who shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any required certificate or record; or who shall wilfully alter, otherwise than as provided, or shall

falsify any certificate of birth or death, or any record; or who, being required to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect, or refuse to perform such duty in the manner required; or who, being a local registrar, deputy registrar, or sub-registrar, shall fail, neglect, or refuse to perform his duty as required herein, and by the instructions and direction of the state registrar thereunder, shall be guilty of a misdemeanor, and shall for the first offense be fined not less than five [\$5.00] nor more than fifty dollars [\$50.00], and for each subsequent offense not less than ten [\$10.00] nor more than one hundred dollars [\$100], or be imprisoned in the county jail not more than sixty [60] days, or by both such fine and imprisonment. [Laws 1925, ch. 37, § 22, p. 110; rev., R. C. 1928, § 2741.]

68-618. Registrar charged with enforcement.—Each local registrar shall make an immediate report to the state registrar of any violation of this law coming to his knowledge. The state registrar shall have supervisory power over local registrars, and sub-registrars; he may investigate any irregularity or violations of health laws, and all registrars shall aid him, upon request, in such investigation, and report violations to the proper county attorney with a statement of the facts and circumstances. [Laws 1925, ch. 37, § 23, p. 110; rev., R. C. 1928, § 272.]

68-619.—Hospital authorities to notify relative of person dying—Removal of body—Violations—Penalty.—Whenever any patient, boarder or lodger in any hospital or sanitarium within the state shall die, the person in charge shall immediately notify the family, relative or friend of said deceased, or some person known to said management to be interested in said deceased, of said death, if known to said person and within the county, and shall not remove the body, or cause or allow the removal of said body until the said person shall stipulate and name the undertaker to whom said remains are to be delivered. Any person who shall remove, or cause or allow to be removed, the body of any deceased person to any undertaker other than the one chosen by the family, relative, friend, or person interested in the deceased, shall be guilty of a misdemeanor, and punished by a fine of not less than one hundred dollars [\$100]. [Laws 1921, ch. 165, §§ 1, 3, p. 420; cons. & rev., R. C. 1928, § 2743.]

68-620. Qualifications of supervising nurse.—Any person that shall be in charge of nursing, nurses, attendants and aids in any institution of public health or welfare, or in any hospital supported in part or in whole by state, county, city, or federal aid or any other public funds, shall be a duly registered nurse, as defined by article 10, chapter 58, Revised Code of 1928 [§§ 67-1301—67-1308], and shall be equipped by education, training and experience to direct the work under her jurisdiction. Any person violating this section shall be guilty of a misdemeanor. [R. C. 1928, § 2743a as added by laws 1935, ch. 104, § 1, p. 436.]

68-621. Transfer of records of births and deaths.—Upon the written demand of the state registrar of vital statistics, any county clerk, county recorder, city clerk, or other county, city or town officer having custody of records of births and deaths for any year or years, shall transfer the same, for transcription, to the said registrar of vital statistics. [Laws 1935, ch. 8, § 1, p. 12.]

34-138. No fees to person procuring pension or other soldier benefits.—No state, county, city, nor any officer or board thereof, shall demand, or receive any fee or compensation for the issuing of certified copies of public records, or for making the search for the same, wherein the same is to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance or other benefits, to be presented to the United States or a bureau or department thereof. Notaries Public shall not make any charge for an acknowledgement to any document that is to be so filed or presented. Such services shall be rendered on the request of a United States official, a claimant, his guardian, or attorney, and for every failure or refusal so to do such officer shall be liable on his official bond. [Laws 1922, ch. 14, § 1, p. 328; rev., R. C. 1928, § 1495.]

68-309. Burial and transportation of human bodies.—No person shall allow a human body to remain unburied for a longer time than four [4] days, or, when death has been caused by infectious or contagious disease, for a longer time than twenty-four [24] hours after death, without a permit from the local board of health specifying the time during which said body may remain unburied. When death has been caused by an infectious or contagious disease, the body shall, if directed by said board, be immediately disinfected; if it remains unburied for more than twenty-four [24] hours, it shall be immediately enclosed in a tightly sealed metallic coffin, which shall not thereafter be opened. The funeral of such person shall be strictly private, and in the removal of such body for burial or otherwise, only such vehicles may be employed as are authorized by said board. No person shall bury or prepare for burial the body of any human being without a certificate signed by the attending physician or the coroner, stating the name, age, sex and place of abode, and date of death of such person, the name and duration of the disease of which such person died, and whether or not the disease is contagious; such certificate shall, after the burial, be filed with the local board of health. When such a dead body is presented to a common carrier for transportation by such carrier, it shall be accompanied by a duplicate of such certificate; and no common carrier shall receive any such body for transportation unless the certificate states that the disease of which such person died is not contagious. The duplicate shall be securely attached to and remain upon the outside of the receptacle containing such body. [Laws 1903, ch. 65, § 30, p. 108; R. S. 1913, § 4398; rev. R. C. 1928, § 2695.]

ARTICLE 7 CAUSTIC ALKALI OR ACID ACT

SECTION.

- 68-701. Substances governed by act.
- 68-702. Misbranded parcel package or container.
- 68-703. Condemnation and destruction of misbranded substances and containers.
- 68-704. Penalty for violation.
- 68-705. State board of health—Enforcement of act.
- 68-706. Short title.

68-701. Substances governed by act.—As used in this act, unless the context or subject-matter otherwise requires, the term "dangerous, caustic or corrosive substance" shall mean each and all of the acids, alkalis and substances named below:

1. Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of ten [10] per centum or more;

2. Sulphuric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of ten [10] per centum or more;

3. Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO₃) in a concentration of five [5] per centum or more;

4. Carbolic acid (C₆H₅OH), otherwise known as phenol, and any preparation containing carbolic acid in a concentration of five [5] per centum or more;

5. Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid (H₂C₂O₄) in a concentration of ten [10] per centum or more;

6. Any oxalic salt in a concentration of ten [10] per centum or more;

7. Acetic acid (HO₂H₃O₂) in a concentration of twenty [20] per centum or more;

8. Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield ten [10] per centum or more by weight, of available chloride, excluding calx chlorinate, bleaching powder, and chlorine of lime;

9. Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including

caustic potash and Vienna paste, in a concentration of ten [10] per centum or more;

10. Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of ten [10] per centum or more;

11. Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate (AgNO₃) in a concentration of five [5] per centum or more, and

12. Ammonia water and any preparation yielding free or chemically uncombined ammonia (NH₃), including ammonium hydroxide and "hartshorn" in a concentration of five [5] per centum or more. [Laws 1929, ch. 26, § 1, p. 60.]

Title of Act.

An act to safeguard the distribution and sale of certain dangerous, caustic or corrosive acids, alkalis and other substances in the state of Arizona; defining dangerous, caustic or corrosive substances and defining the terms misbranded parcel, package or container; prohibiting the handling, sale or distribution of dangerous, caustic or corrosive substances in misbranded containers; declaring the handling, sale or distribution of dangerous, caustic or corrosive substances in misbranded containers a crime; providing a penalty for the violation of the provisions of this act; providing for the registration of labels or brands to be used on containers of dangerous, caustic or corrosive substances; and providing a method for the seizure, condemnation and disposition of misbranded containers of such dangerous, caustic or corrosive substances. (Laws 1929, ch. 26.)

68-702. Misbranded parcel package or container.—The term "misbranded parcel package or container" means a retail parcel, package or container of any dangerous, caustic or corrosive substance for household use, not bearing a conspicuous, easily legible label or sticker containing:

1. The name of the article;
2. The name and place of business of the manufacturer, packer, seller or distributor;
3. The word "Poison," running parallel with the main body of reading matter on said label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than 24 point size, unless there is on said label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker, and;
4. Directions for treatment in case of accidental personal injury by the dangerous caustic or corrosive substance.

No person shall sell, barter or exchange, or receive, hold, pack, display, or offer for sale, barter, or exchange, in the state of Arizona, any dangerous, caustic or corrosive substance in a misbranded parcel, package or container, said parcel, package or container being

designed for, or suitable to, household use. [Laws 1929, ch. 26, § 2, p. 60.]

68-703. Condemnation and destruction of misbranded substances and containers.—All such substances and containers which have been declared by law as misbranded as defined by this act shall be, by the order of the court, condemned and ordered destroyed or sold, or disposed of as the court may direct; the proceeds from such sale less the actual costs, charges and expenses in connection with such seizures and holding, as fixed by the court, shall be paid over to the county treasurer of the county in which such articles may have been seized; provided, however, that none of such articles shall be sold contrary to the laws of this state; provided further, however, that upon the payment of the costs and expenses so fixed by the court, and the execution and delivery of a good and sufficient bond, by the owner of said articles, to the effect that such substances or articles will not be unlawfully sold or otherwise disposed of, the court may by order direct that such substances and articles be redelivered to the owner thereof. [Laws 1929, ch. 26, § 3, p. 60.]

68-704. Penalty for violation.—Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred dollars [\$200], or by imprisonment for not more than ninety [90] days, or by both such fine and imprisonment, in the discretion of the court. [Laws 1929, ch. 26, § 4, p. 60.]

68-705. State board of health, enforcement of act.—The state board of health may enforce the provisions of this act, and it is hereby authorized and empowered to approve and register such brands and labels intended for use under the provisions of this act as may be submitted to it for that purpose, and as may, in its judgment, conform to the requirements of this statute; provided, however, that in any prosecution under this act, the fact that any brand or label involved in said prosecution has not been submitted to said board for approval, or if submitted, has not been approved by it, shall be immaterial. [Laws 1929, ch. 26, § 5, p. 60.]

68-706. Short title.—This act may be cited as the Arizona Caustic Alkali or Acid Act, 1929. [Laws 1929, ch. 26, § 6, p. 60.]

Effective date.

Section 7 of Laws 1929, ch. 26, provided that said act should take effect six months after the date of its enactment.

ARTICLE 8 NARCOTICS ACT

SECTION.

- 68-801. Short title.
- 68-802. Definitions.
- 68-803. Acts prohibited.
- 68-804. Manufacturers and wholesalers.
- 68-805. Qualification for licenses.
- 68-806. Selling and dispensing.
- 68-807. Use of official written orders.
- 68-808. Lawful possession and use.
- 68-809. Sales by apothecaries.
- 68-810. Sales permitted—Discontinuance—Apothecary.
- 68-811. Professional use of narcotic drugs.
- 68-812. Preparations exempted.
- 68-813. Restriction of exemptions.
- 68-814. Other drugs required.
- 68-815. Professional records.
- 68-816. When records not required.
- 68-817. Dealers to keep records.
- 68-818. Form and preservation of records.
- 68-819. Substantial compliance.
- 68-820. Manufacturers' and wholesalers' labels.
- 68-821. Apothecaries' labels.
- 68-822. Authorized possession of narcotic drugs by individuals.
- 68-823. Persons and corporations exempted.
- 68-824. Common nuisances.
- 68-825. Narcotic drugs to be delivered to state official.
- 68-826. Destruction of drugs seized.
- 68-827. Use of drugs not destroyed.
- 68-828. Record of board of health.
- 68-829. Notice of conviction to be sent to licensing board.
- 68-830. Records confidential.
- 68-831. Fraud or deceit.
- 68-832. Exceptions and exemptions not required to be negated.
- 68-833. Enforcement and cooperation.
- 68-834. Penalties.
- 68-835. Commitment to state hospital.
- 68-836. Effect of acquittal or conviction under federal narcotic laws.
- 68-837. Severability.
- 68-838. Interpretation.

68-801. Short title.—This act shall be known and may be cited as "The Arizona Uniform Narcotics Act of 1935." [Laws 1935, ch. 26, § 1, p. 88.]

Compiler's Note.

Laws 1931, ch. 36 (The Arizona Narcotic Control Act) is omitted as superseded by this act. Under the 1931 Law registration with the state board of pharmacy was required, but the state board of health now has exclusive jurisdiction.

Title of Act.

An act relating to narcotic drugs, and to make uniform the law with reference there. [Laws 1935, ch. 26.]

68-802. Definitions.—For the purposes of this act, and unless otherwise required by the context:

- (a) "Board of health" shall mean The State Board of Health.
- (b) "Person" shall mean any individual, corporation, association, or co-partnership.
- (c) "Physician" shall mean a person licensed to practice medicine, or osteopathy, or otherwise licensed to treat sick and injured human beings, and to use narcotic drugs in connection with such treatment.
- (d) "Dentist" shall mean a person licensed to practice dentistry.
- (e) "Veterinarian" shall mean a person licensed to practice veterinary medicine.
- (f) "Manufacturer" shall mean a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs for purposes other than to be sold or dispensed on prescriptions.
- (g) "Wholesaler" shall mean a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.
- (h) "Apothecary" shall mean a licensed pharmacist and the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws.
- (i) "Hospital" shall mean an institution for the care and treatment of the sick and injured, approved by the board of health as proper to be entrusted with the custody and use of narcotic drugs under the direction of a physician, osteopath, dentist, or veterinarian.
- (j) "Laboratory" shall mean a laboratory approved by the board of health to be entrusted with the custody and use of narcotic drugs, for instructive, scientific and medical purposes.
- (k) "Sale" shall include barter, exchange, or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.
- (l) "Coca leaves" shall include cocaine and any compound, manufacture, salt, mixture, preparation, or derivative of coca leaves, except such as do not contain cocaine, ecgonine, or substances from which such ingredients may be synthesized or made.

(m) "Opium" shall include morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

(n) "Narcotic drugs" shall mean coca leaves, opium, cannabis, or any substance neither chemically nor physically distinguishable from them.

(o) "Cannabis" shall include the following substances under whatever names they may be designated: (1) Marihuana; (2) the dried flowering or fruiting tops of the pistillate plant *cannabis sativa* L., from which the resin has not been extracted; (3) the resin extracted from such tops; and (4) every compound manufacture, salt, derivative, mixture or preparation of such resin, or of such tops from which the resin has not been extracted.

(p) "Federal narcotic laws" shall mean the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(q) "Official written order" shall mean an order written on a form provided for that purpose by the United States commissioner of narcotics, under any law of the United States, and if no such form is so provided, then on an official form provided for that purpose by the board of health.

(r) "Subsequent offense" shall include a prior conviction in any state or federal court, for violation of any law or ordinance regulating the use, supply, or possession of any narcotic drug.

(s) "Dispense" shall include distribute, leave with, give away, dispose of, or deliver.

(t) "Registry number" shall mean the number assigned to each person registered under the federal narcotic laws.

(u) "Licensed" shall mean authorized by the laws of this state to do certain things. [Laws 1935, ch. 26, § 2, p. 88.]

68-803. Acts prohibited.—It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug except as authorized in this act. [Laws 1935, ch. 26, § 3, p. 88.]

68-804. Manufacturers and wholesalers.—No person shall manufacture narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the board of health. [Laws 1935, ch. 26, § 4, p. 88.]

68-805. Qualification for licenses.—No license shall be issued under this act unless the applicant therefor has furnished proof satisfactory to the board of health: (a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character; (b) that the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application. No license shall

be granted to any person who has within five [5] years been convicted of a willful violation of any law of the United States, or of any state, relating to narcotic drugs, or to any person who is a narcotic drug addict. The board of health may suspend or revoke any license for cause. [Laws 1935, ch. 26, § 5, p. 88.]

68-806. Selling and dispensing.—(a) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs only on official written orders: (1) To a manufacturer, wholesaler, or apothecary; (2) to a physician, osteopath, dentist, or veterinarian, or (3) to a person in charge of a hospital or laboratory, but only for use by or in such institutions for scientific or medical purposes.

(b) Such manufacturer or wholesaler may sell narcotic drugs: (1) On a special written order accompanied by a certificate of exemption as required by the federal narcotic laws, to an employee of the United States government or of any state, territorial, district, county, municipal or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties; (2) to a person in charge of any ship or aircraft, when the same is not in port, upon which no physician is regularly employed, for the actual medical needs of a person on board, and only in pursuance of a special order on a form approved by a commissioned medical officer or assistant surgeon of the United States public health service, or (3) to a person in a foreign country, if the provisions of the federal narcotic laws are complied with. [Laws 1935, ch. 26, § 6, p. 88.]

68-807. Use of official written orders.—An official written order for any narcotic drug shall be signed in duplicate by the person giving it or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drugs named therein. Upon acceptance of such order, each party to the transaction shall preserve his copy for a period of two [2] years in such a way as to be readily accessible for official inspection. Compliance with the federal narcotic laws as to the use of order forms shall be deemed compliance with this act. [Laws 1935, ch. 26, § 7, p. 88.]

68-808. Lawful possession and use.—Possession or control of narcotic drugs obtained as authorized by this act shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor. A person in charge of a hospital or of a laboratory, or in the employ of this or any other state, or of any political subdivision thereof, and a proper officer of a ship or aircraft, who obtains narcotic drugs under the provisions of this act, shall administer, dispense, or otherwise use such drugs only for scientific or medicinal purposes and within the scope of such employment or official duty. [Laws 1935, ch. 26, § 8, p. 88.]

68-809. Sales by apothecaries.—An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, osteopath, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the

owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by such laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription, which shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two [2] years, so as to be readily accessible for official inspection. No prescription shall be refilled. [Laws 1935, ch. 26, § 9, p. 88.]

68-810. Sales permitted—Discontinuance—Apothecary.—On an official written order therefor, and not otherwise, the legal owner of any stock of narcotic drugs in a pharmacy, who discontinues dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, or an apothecary may sell to a physician, osteopath, dentist, or veterinarian, for medical purposes, in quantities not exceeding one [1] ounce at any one [1] time, aqueous or oleaginous solutions of the content of which narcotic drugs does not exceed a proportion greater than twenty [20] per cent of the complete solution [Laws 1935, ch. 26, § 10, p. 88.]

68-811. Professional use of narcotic drugs.—(a) A physician, osteopath, or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

(b) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision. [Laws 1935, ch. 26, § 11, p. 88.]

68-812. Preparations exempted.—Except as herein otherwise specifically provided, this act shall not apply to prescribing, administering, dispensing, or selling at retail:

(a) Any medicinal preparation that contains in one [1] fluid ounce, or if a solid or semi-solid preparation, in one [1] avoirdupois ounce, (1) not more than two [2] grains of opium, (2) not more than one-quarter [$\frac{1}{4}$] of a grain of morphine or of any of its salts, (3) not more than one [1] grain of codeine or of any of its salts, (4) not more than one-eighth [$\frac{1}{8}$] of a grain of heroin or of any of its salts, (5) not more than one-half [$\frac{1}{2}$] of a grain of extract of cannabis nor more than one-half [$\frac{1}{2}$] of a grain of any more potent derivative or preparation of cannabis, (6) and not more than one [1] of the drugs named in this paragraph.

(b) Liniments, ointments, and other preparations, susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted therefrom, except that

this act shall apply to all liniments, ointments, and other preparations that contain coca leaves. [Laws 1935, ch. 26, § 12, p. 88.]

Section to Section Reference.

This section is referred to in § 68-813.

68-813. Restriction of exemptions.—(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this act, to any one person, or for the use of any one person or animal, any preparation or preparations mentioned in section 12 [§ 68-812], when he knows or can by reasonable diligence ascertain that such action will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight [48] consecutive hours, with more than four [4] grains of opium, or more than one-half [$\frac{1}{2}$] grain of morphine or of any of its salts, or more than two [2] grains of codeine or of any of its salts, or more than one-quarter [$\frac{1}{4}$] of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal within forty-eight [48] consecutive hours, with more than one [1] preparation exempted by section 12 [§ 68-812] from the operation of this act.

(b) Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this act. [Laws 1935, ch. 26, § 13, p. 88.]

68-814. Other drugs required.—Any medicinal preparation, or any liniment, ointment, or other preparation, susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs, conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act. [Laws 1935, ch. 26, § 14, p. 88.]

68-815. Professional records.—Every physician, osteopath, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall be deemed sufficient compliance with this section if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients. [Laws 1935, ch. 26, § 15, p. 88.]

68-816. When records not required.—No record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient when the amount thus administered, dispensed, or used does not exceed in any forty-eight [48] consecutive hours:

- (a) Four [4] grains of opium, or
- (b) One-half [$\frac{1}{2}$] of a grain of morphine or of any of its salts, or
- (c) Two [2] grains of codeine or of any of its salts, or
- (d) One-fourth [$\frac{1}{4}$] of a grain or heroin or of any of its salts, or
- (e) One [1] grain of extract of cannabis or one [1] grain of any more potent derivative or preparation of cannabis, or
- (f) A quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated. [Laws 1935, ch. 26, § 16, p. 88.]

68-817. Dealers to keep records.—(a) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, or received and disposed of by them, in accordance with the provisions of this act.

(b) Apothecaries shall keep records of all narcotic drugs received and disposed of by them in accordance with the provisions of this act.

(c) Every person who purchases for resale, or who sells narcotic drug preparations exempted by this act, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise. [Laws 1935, ch. 26, § 17, p. 88.]

68-818. Form and preservation of records.—The form of records shall be prescribed by the board of health. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced, and the proportion of resin contained in or producible from the dried flowering or fruiting tops of the pistillate plant *cannabis sativa* L., from which the resin has not been extracted, received or produced. The record of all narcotic drugs, sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or

dispensed, and the kind and quantity of drugs. [Laws 1935, ch. 26, § 18, p. 88.]

68-819. Substantial compliance.—All records required by this act shall be kept for a period of two [2] years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is herein specified, shall constitute compliance with this act, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft. [Laws 1935, ch. 26, § 19, p. 88.]

68-820. Manufacturers' and wholesalers' labels.—Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to such package a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this act, shall alter, deface, or remove any label so affixed. [Laws 1935, ch. 26, § 20, p. 88.]

68-821. Apothecaries' labels.—Whenever an apothecary sells or dispenses any narcotic drug he shall affix to the container thereof a label showing his name, address, and registry number or that of the apothecary for whom he is lawfully acting; the name, address and registry number of the physician, osteopath, dentist, or veterinarian, by whom the prescription was written; the name and address of the patient, or if the patient is an animal, the name and address of its owner, and the species of the animal, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed. [Laws 1935, ch. 26, § 21, p. 88.]

68-822. Authorized possession of narcotic drugs by individuals.—A person to whom or for whose use any narcotic drug has been prescribed, sold or dispensed, by a physician, osteopath, dentist, apothecary, or other person authorized under the provisions of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same. [Laws 1935, ch. 26, § 22, p. 88.]

68-823. Persons and corporations exempted.—The provisions of this act restricting the possession and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully handling such drugs, nor to any employee of the same acting within the scope of his employment, nor to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs, nor to temporary incidental possession by employees or agents of persons

lawfully entitled to possession or by persons whose possession is for the purpose of aiding public officers in performing their official duties. [Laws 1935, ch. 26, § 23, p. 88.]

68-824. Common nuisances.—Any place which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs, or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance. [Laws 1935, ch. 26, § 24, p. 88.]

68-825. Narcotic drugs to be delivered to state official.—All narcotic drugs the lawful possession of which is not established or the title to which can not be ascertained, which have come into the custody of a peace officer, shall be forfeited to the state. [Laws 1935, ch. 26, § 25, p. 88.]

Section to Section Reference.

This section is referred to in § 68-826.

68-826. Destruction of drugs seized.—Except as in this act otherwise provided, the court or magistrate having jurisdiction shall order forfeited and destroyed all narcotic drugs seized as provided in section 25 [§ 68-825]. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them. [Laws 1935, ch. 26, § 26, p. 88.]

68-827. Use of drugs not destroyed.—Upon written application by the state board of health the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said board of health, for distribution or destruction, as hereinafter provided. Upon application by any hospital not operated for private gain, the board of health may in its discretion deliver any such narcotic drugs that have come into its custody to the applicant for medicinal use. The board of health may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics or may destroy the same. [Laws 1935, ch. 26, § 27, p. 88.]

68-828. Record of board of health.—The board of health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of narcotic laws. [Laws 1935, ch. 26, § 28, p. 88.]

68-829. Notice of conviction to be sent to licensing board.—On the conviction of any person of the violation of any provision of this act, a copy of the judgment and sentence, and of the opinion of the

court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the court may, in its discretion, suspend or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration. [Laws 1935, ch. 21, § 29, p. 88.]

68-830. Records confidential.—Prescriptions, orders, and records required by this act, and stocks of narcotic drugs shall be open for inspection only to officers whose duty it is to enforce laws relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party. [Laws 1935, ch. 26, § 30, p. 88.]

68-831. Fraud or deceit.—(a) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order, or by the concealment of a material fact; or by the use of a false name or the giving of a false address.

(b) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(c) No person shall wilfully make a false statement in any prescription, order, report, or record required by this act.

(d) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be a manufacturer, wholesaler, apothecary, physician, osteopath, dentist, veterinarian, or other authorized person.

(e) No person shall make or utter any false or forged prescription or written order, nor affix any false or forged label to a package or receptacle containing narcotic drugs. [Laws 1935, ch. 26, § 31, p. 88.]

68-832. Exceptions and exemptions not required to be negatived.—In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this act, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant. [Laws 1935, ch. 26, § 32, p. 88.]

68-833. Enforcement and cooperation.—It is hereby made the duty of the board of health, its officers, agents, inspectors, and representatives, and of all peace officers, and of all county attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of other states and of the United States relating to narcotic drugs. [Laws 1935, ch. 26, § 33, p. 88.]

68-834. Penalties.—Any person violating any provision of this act shall upon conviction be punished for the first offense by a fine of not less than five hundred [\$500] nor more than one thousand dollars [\$1,000], or by imprisonment in the county jail for not less than six [6] months nor more than one [1] year, or by both such fine and imprisonment; and for any subsequent offense, such person shall upon conviction be punished by a fine of not less than one thousand [\$1,000] nor more than five thousand dollars [\$5,000], or by imprisonment for not less than one [1] year nor more than ten [10] years, or by both such fine and imprisonment. [Laws 1935, ch. 26, § 34, p. 88.]

68-835. Commitment to state hospital.—It shall be within the discretion of the judge pronouncing sentence upon any violator of this act to order him confined in the state hospital for the insane, and the superintendent of such institution shall care for and provide treatment to all persons thus delivered to him. In the case of any such commitment the county from which the person is committed shall pay to the superintendent the sum of twenty dollars [\$20.00] per month during the period of said confinement. The superintendent shall transmit such money to the state treasurer, who shall place the same in the fund for the maintenance of the state hospital, and it shall be subject to use as other monies of said fund. No person shall be committed to said institution under this provision, who shall have been previously committed thereto or treated therein. [Laws 1935, ch. 26, § 35, p. 88.]

68-836. Effect of acquittal or conviction under federal narcotic laws.—No person shall be prosecuted for a violation of any provision of this act if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which it is alleged constitutes a violation of this act. [Laws 1935, ch. 26, § 36, p. 88.]

68-837. Severability.—If any part or provision of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, the remainder thereof shall not thereby be invalidated, impaired, or affected. [Laws 1935, ch. 26, § 37, p. 88.]

68-838. Interpretation.—This act shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it. [Laws 1935, ch. 26, § 38, p. 88.]



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